

PROB 12C  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Derek McKay

**Docket Number:** 09-00210-001

**PACTS Number:** 18520

**Name of Sentencing Judicial Officer:** HONORABLE JAMES R. SPENCER, USDJ - Eastern District of Virginia

**Name of Assigned Judicial Officer:** HONORABLE PETER G. SHERIDAN, USDJ - District of New Jersey

**Date of Original Sentence:** 06/30/1998

**Original Offense:** Possession With Intent to Distribute Crack Cocaine, 21 USC § 841(a)(1)

**Original Sentence:** 120 months imprisonment; 5 years supervised release.

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 04/11/06

**Assistant U.S. Attorney:** To Be Assigned, United States Attorney, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

**Defense Attorney:** To Be Assigned, Federal Public Defender, 972 Broad Street, 2<sup>nd</sup> Floor, Newark, New Jersey 07102, (973) 645-6347

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**PETITIONING THE COURT**

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

- |   |  |
|---|--|
| 1 | The offender has violated the supervision condition which states ‘ <b>You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.</b> ’ |
|---|--|

McKay has failed to report to the Probation Office as directed on the following occasions: February 4, 2008; April 18, 2008; August 19, 2008; September 22, 2008; September 24, 2008; February 17, 2009; February 20, 2009; March 17, 2009; and March 31, 2009.

Monthly Supervision Reports (MSRs) should be received by the fifth of each month. McKay has consistently submitted his MSRs after the prescribed time frame. For example, his October 2006, November 2006, January 2007, May 2007, June 2007, July 2007 and August 2007 MSRs were received on November 2, 2007. Also, his October 2008 and November 2008 MSRs were received on December 31, 2008.

McKay has not submitted MSRs for January 2009, February 2009 and March 2009.

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The offender has violated the supervision condition which states ‘ **You shall notify the probation officer within 72 hours of any change of residence or employment.** ’

McKay’s reported address is 64 Trimble Street, Clifton, New Jersey. Since 2008, the probation officer has attempted numerous home contacts to that address without success. Specifically, on March 20, 2008; March 29, 2008; May 30, 2008; June 23, 2008; August 7, 2008; and August 20, 2008, the probation officer visited McKay’s address and did not locate him. On September 4, 2008, McKay was home; however, that home contact had been prearranged so that McKay could prove that he remained at that location (by demonstrating his personal belongings).

McKay was also not located at home during subsequent attempts on October 11, 2008; November 13, 2008; December 8, 2008; December 18, 2008; December 30, 2008; January 23, 2009; January 31, 2009; February 26, 2009; March 25, 2009; March 27, 2009; and April 23, 2009.

In numerous meetings with the probation officer, McKay has consistently denied that he has moved to another address. Rather, he indicated that he “occasionally” stays at the residence of his girlfriend, Neisha Scott. McKay advised that she resides at 89 Jasper Street, Paterson, New Jersey. On January 31, 2009, and February 27, 2009, the probation officer visited that location without success.

During the visit on February 27, 2009, an unidentified female advised that Scott no longer resided at that address. When confronted, McKay subsequently advised that Scott actually resides at 86 Jasper Street, Paterson. On March 25, 2009, and April 23, 2009, attempts to reach McKay at that location were unsuccessful. It is noted that McKay is typically located at his place of work, BJ Wilkerson Memorial Day School, Prospect Park, New Jersey.

The issue of reporting his whereabouts was discussed with McKay on numerous occasions. On October 14, 2008, this issue was discussed with McKay in an adjustment session with Supervising U.S. Probation Officer Thomas Larson. Despite our efforts, McKay continues to ignore this basic supervision obligation.

I declare under penalty of perjury that the foregoing is true and correct.



By: Denise Morales  
U.S. Probation Officer  
Date: 4/28/09

7/11

THE COURT ORDERS:

☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: 5-29-09 at 11:00 A.M.

☐ No Action

☐ Other



Signature of Judicial Officer

5/8/09

Date